

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

In the outstanding Office Action, Claims 1-4, 32, 33, 212-215 and 223 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Danks et al. (U.S.P. 5,868,773, hereinafter Danks et al. '773) in view of Danks et al. (U.S.P. 5,607,440, hereinafter Danks et al. '440). Claims 1-4, 32, 33, 212-215 and 223 remain active.

Briefly recapitulating, the present invention (claim 1 as amended) defines, among other things, a guard having a most distal end having a substantially uniform, continuous taper so as to form an edge angle at a tip end portion thereof smaller than a blade edge angle of the blade, the upper and lower surfaces of the guard each being substantially planar and parallel to the upper and lower surface of the blade along an entire length portion of said blade. Claim 212 also defines this feature.

In contrast to the subject matter defined by claims 1 and 212, and as acknowledged by the Examiner, Danks et al. '773 does not teach a cutting blade with an edge angle smaller than the edge angle of the guard. Danks et al. '440 does not remedy the deficiencies of Danks et al. '773. More particularly, the side and top view of Danks et al. '440, as shown in Figures 7A-9B thereof, clearly illustrate that the shield 15 is tubular shaped and therefore does not teach a guard that is substantially planar in shape, as presently claimed. The shield 15 is also described in the discussion appearing at column 6, lines 59-67 of Danks et al. '440. The distal end 51 of the hollow sheath 18 which covers the piercing tip 80 is curved in Danks et al. '440, as clearly shown in Figures 7A, 8A and 9A thereof, along a substantial portion and is tapered at a distal end thereof towards the pointed blade 81. Accordingly, Danks et al. '440 clearly does not teach upper and lower surfaces of a guard each of which are

substantially planar and parallel to the upper and lower surface of the blade along an entire length portion of the blade, as presently claimed in Claims 1 and 212.

Independent Claims 1 and 212 also define that the guard has a most distal end having a substantially uniform, continuous taper so as to form an edge angle at a tip end portion thereof smaller than the blade edge angle. By comparison, in Danks et al. '440, the bulbous tip portion 51 of sheath 18 forms a blunt end 92. More particularly, the distal end 51 of the shield is described as being "bottle shaped" or "dolphin nosed shaped" in that it has a blunt end 92 at its most distal point which widens slowly at first and then more rapidly so as to form a slight concavity 94 as the distal end 51 of the shield proceeds away from the blunt end 92 to a shoulder 93, as illustrated in Figures 7A-9B and as described at column 6, lines 59-65. Thus, the structure of Danks et al. '440 clearly differs at least in this regard, from Applicant's claimed invention.

Further, Claims 1 and 212 define that the substantial planar guard is configured to expose a cutting tip of the blade. This clearly differs from the structure and function of the distal end 51 of the hollow sheath of Danks et al. '440 which is designed so as to cover the tip portion of the blade 81 in operation. More particularly, as described at column 6, line 59 through column 7, line 9 Danks et al. '440:

As shown in FIG. 7A and 7B, the distal end 51 of the shield 15 used with the illustrated pointed blade is "bottle shaped" or "dolphin nose shaped" in that it has a blunt end 92 at its most distal point which widens slowly at first and then more rapidly so that there is a slight concavity 94 as the distal end 51 of the shield 15 proceeds from the blunt end 92 to a shoulder 93. As shown in FIGS. 8A and 8B, when the shield end 51 is of this shape, it is possible for the blunt end 92 to cover the pointed distal end 87 of the blade 81 so that no additional penetration is possible, while still leaving portions of the sharpened edges 91 exposed. In this fashion, when the pointed distal end 87 of the blade 81 has penetrated the body cavity wall, but before the blade 81 is entirely through the wall, the blunt end 92 of the shield can move forward and be partially locked while still allowing the sharpened edges 91 of the

pointed blade 81 to expand the incision in the body cavity wall....

As can thus be appreciated, the substantially planar guard in the present invention serves to permit exposure of the cutting tip of the blade unlike Danks et al. '440. Accordingly, any attempt to modify the teachings and disclosures of Danks et al. '440 to meet Applicant's claimed invention would destroy Danks et al. '440 for its intended purpose and function as disclosed in the above passage. It is therefore submitted that each of independent Claims 1 and 212 as well as the claims dependent therefrom clearly patentably define over the Danks et al. '440 references.

In view of the foregoing comments, an early and favorable Office Action is believed to be in order and the same is hereby respectfully requested.

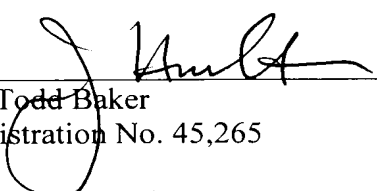
Respectfully submitted,

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